

NASHVILLE, TENNESSEE

IN RE:

DOCKET NO.
03-00356

¹ The first amendment reflected the change of Citizens Telecommunications Company of Tennessee, LLC d/b/a Citizens Communications of Tennessee to Citizens Telecommunications Company of Tennessee d/b/a Frontier Communications of Tennessee. The instant Petition refers to the company as Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee, LLC.

Based upon a review of the second amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within the service area of Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee, LLC.
- 3) The amendment is not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).² Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.
- 5) No person or entity has sought to intervene in this docket.
- 6) The amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

² See 47 U.S.C. § 252(e)(2)(B).

IT IS THEREFORE ORDERED THAT:

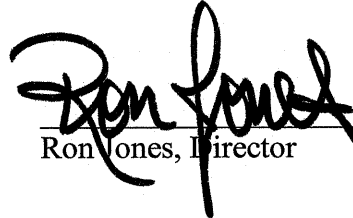
The Petition is granted, and the second amendment to the interconnection and traffic interchange agreement for the provision of cellular and other 2-way mobile radio services negotiated between Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee, LLC and NTCH-WEST TENN, Inc. is approved and is subject to the review of the Authority as provided herein.



Pat Miller, Director



Sara Kyle, Director



Ron Jones, Director